

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-14 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01

CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00

EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02

INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02

OES-07 OMB-01 PA-02 PM-05 SP-02 SS-15 ICA-20

AF-10 ARA-14 EA-12 EUR-12 NEA-10 /211 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC 8992

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FROM BREWER. PASS TO BLACKWELL, ASST SECRETARY FOR
MARITIME AFFAIRS, AND FRANK, ADMINISTRATOR OF NOAA

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS REPORT TO MARAD AND NOAA

REF: MARAD WA-78-0231

1. US TODAY FINALLY PUT FORWARD IN COMMITTEE III ITS
PRINCIPAL MARINE POLLUTION PROPOSALS. FIRST, ART. 231
SHOULD BE AMENDED TO MAKE CLEAR THAT COASTAL STATE IS
NOT LIMITED IN CHOICE OF PENALTIES FOR VIOLATIONS OF
DOMESTIC DISCHARGE STANDARDS BY FOREIGN VESSELS IN
TERRITORIAL SEA, AND THAT PENALTIES FOR VIOLATIONS OF
INTERNATIONAL STANDARDS BY FOREIGN VESSELS BEYOND THE
TERRITORIAL SEA MAY IN CERTAIN CASES INCLUDE ARREST OF
VESSEL AND OTHER PENALTIES EXCEPT IMPRISONMENT. SECOND,
ART. 221(6) SHOULD BE AMENDED TO PERMIT COASTAL STATE
TO ARREST FOREIGN VESSELS IN ECONOMIC ZONE WHERE THERE
IS CLEAR AND SUBSTANTIAL EVIDENCE OF A VIOLATION OF
INTERNATIONAL REQUIREMENTS RESULTING IN SUBSTANTIAL
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DISCHARGE CAUSING DAMAGE OR THREAT OF DAMAGE TO COASTAL
STATE. THIRD, ART. 229 SHOULD BE AMENDED TO DENY FLAG
STATE PREEMPTION OF COASTAL STATE ENFORCEMENT PROCEEDINGS
FOR VIOLATIONS BY FOREIGN VESSELS IN ECONOMIC ZONE, AND
FOR VIOLATIONS BEYOND ECONOMIC ZONE WHICH RELATE TO
SERIOUS POLLUTION AFFECTING THE COASTAL STATE. MARAD
WAS CORRECT AS TO PREVIOUS DISCREPANCY ON THIS PROPOSAL.

FRENCH HAVE ALSO MADE THEIR PROPOSAL TO STRENGTHEN
INTERVENTION PROVISIONS OF ART. 222. APPRECIATE MARAD'S
CONCURRENCE WITH GENERAL THRUST OF US PROPOSALS.
RICHARDSON

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NNN

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